

REMARKS/ARGUMENTS

Claims 3-7, 9-10, 12-13, and 16-21 are pending in this application, with claims 16 and 17 being the only independent claims. Claims 3-7, 9-10, 12-13, and 16-18 stand rejected. By this Amendment, claims 9, 16, and 17 have been amended and new claims 19-21 have been added. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

The Examiner has objected to the amendment to the specification, filed November 12, 2008, for introducing new matter into the disclosure. Specifically, the Examiner asserts that the amendments to figure 3b showing two halves of the cylinder and the film hinge, as well as the amendment to the disclosure on page 7 is not supported in the specification as filed. Applicants disagree and request reconsideration and withdrawal of this rejection.

The specification as filed on pages 2-3 support this limitation. The specification explicitly recites that,

according to the invention ... the washing nozzle is fixed in an insert arranged in the nozzle holder, and that the insert is retained in a rotatable manner, or in that the bore tapers continuously or in a step-like manner downstream, and in that the insert is divided, along its longitudinal axis, into two half cylinders or half-cones, and in that the half-cylinders or the half-cones lie one upon the other by way of their section planes from the formation of a cylinder or cone, and in that the half-cylinders or half-cones are connected intricately to one another at one edge of their section planes, with the result that they can be swung together to form a cylinder or cone.

The above quoted paragraph explicitly states that the insert includes a bore and that the insert is split along its longitudinal axis. Thus, there is support in the specification for the amendments submitted November 12, 2008 and the rejection must be withdrawn.

Claims 3-7, 9, 10, 12, 13, and 16 stand rejected under 35 USC §112, first paragraph. Initially, Applicants note that in contrast to the Examiner's position, claim 16 is not directed only to the embodiment of Fig. 3B. Claim 16 is in no way limited only to Fig. 3B as the insert is shown in each of Figs. 1-4. Thus, Claim 16 is not limited to a specific embodiment. Further, as discussed above with respect to the new matter rejection above, the specification as filed discloses the insert divided along its longitudinal axis. Additionally, Applicants note that the amendments to claims 16 are supported by the specification at least in Figs. 3, 4, and the disclosure at pages 2-3, and the original claims as filed. Thus, the limitations of claim 16 are supported by the specification and the rejection under 35 USC §112, first paragraph, must be withdrawn.

Claim 9 was rejected under 35 U.S.C. §112, second paragraph. Claim 9 has been amended to remove the term "step-like." Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3-7, 9, 10, 12, 13, and 16-18 stand rejected under 35 USC §103(a) as being unpatentable over U.S. 2,898,036 ("Newell") in view of WO 02/44608 ("Christodoulou"). Applicants traverse this rejection.

Among the limitations of claims 16 and 17 not present in the cited combination is

the insert is divided along a longitudinal axis into two substantial half-cylinders, each half-cylinder having a section plane wherein the half-cylinders are pivotably connected to one another at a longitudinal edge of their section planes to form a cylinder when lying one upon the other by way of their section planes, wherein at least one of a washing nozzle insert is arranged in the cutout in a ball and socket configuration and the cutout for generating the washing-fluid jet is partially present on each of the section planes.
(Emphasis added)

Newell discloses a solid windshield washer assembly. There is no disclosure of a longitudinally divided insert. Christodoulou fails to teach or suggest that the nozzle element is

divided along a longitudinal axis in two substantial half-cylinders, wherein each half-cylinder has a section plane, and wherein the half-cylinders are pivotably connected to one another along a longitudinal edge of their section planes to form a cylinder when lying one upon another by way of their section planes.

Christodoulou discloses a tapping fitting where two molded halves 20 and 21 are joined by a hinge 22 to form an externally threaded cylinder as shown in Figures 7 and 7a. However, there is no disclosure in Christodoulou with respect to the two halves forming a nozzle element. Thus, for at least this reason, claims 16 is allowable over this combination. Thus, the combination of Christodoulou and Newell fail to teach or suggest a nozzle element comprising two half-cylinders joined at a longitudinal edge.

Further the present claim set recites additional limitations not disclosed by the cited references. Specifically, new claims 19, 20, and 21 recite such limitations as the nozzle for generating the washing-fluid jet being asymmetrically divided between the section planes, each section plane comprises an opening configured as an input for the nozzle for generating the washing-fluid jet and each of the section planes further comprises an engagement element, an output of the fluidic structure of the nozzle for generating the washing-fluid jet is arranged on only one of the section planes. None of these features, or any of the other features recited in the dependent claims are disclosed by the cited references. Thus, all of the claims are deemed allowable.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested. If the Examiner believes an interview would be of assistance, the Examiner is encouraged to contact the undersigned at the number listed below.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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